



BELLINGHAM PLANNING BOARD

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April 28, 2011 Meeting Minutes

- **Present at the Meeting**

Patricia M. Buckley (PMB), Chairman
Glenn C. Wojcik (GCW), Vice Chairman
Dave Brown (DB)
Peter M. Morelli (PMM)
Peter Pappas (PP) (Secretary)
Roger Oakley (RO), Associate Member

Other Officials: Stacey J. Wetstein (SJW), Town Planner
Amy Sault (AS), Coordinator
Jay Talerman, Town Council

PMB opened the meeting at 7:05pm.

Cynthia Wall, 495 Corridor Presentation

Ms. Wall advised she is before the Board to present a project that is a housing priority housing plan along the 495 corridor. Ms. Wall advised that it is a 20 year horizon plan

Ms. Wall advised that there are 20 communities that are involved including Bellingham and that a meeting is tentatively scheduled for this June. She advised that the Towns involved range from the north to south including Westford to Wrentham. The project is modeled after the south post rail. Ms. Wall advised that this will require state agencies and must be identified as a priority. They are looking at this project as a regional development.

Ms. Wall showed some maps that included four sites identified as perseverance, including Beaver Pond and the SNETT trail, the Jencks Reservoir and Bungay Brook with two priority development areas, at Pearl St Mill and Pulaski Blvd. Ms. Wall polled the Board to see if these areas sound right. PMB asked when the meeting in June is Ms. Wall advised she will get back to the Board when the date is announced.

SJW asked how the individual sites in Bellingham become regional and how it will benefit Bellingham. Ms. Wall advised that Franklin has also been identified. Ms. Wall identified an area of Bellingham that abuts Milford that is an area of tension where there is connectivity between the communities.

Ms. Wall advised that Millis has identified the need in bringing back the railroads, the state looks to invest infrastructure, they want to target the money wisely and determine the best place to grow. GCW asked about which area on Pulaski Blvd Ms. Wall was referring to.

PMB thanked Ms. Wall for her time. Ms. Wall advised that the DLTA grant was funded and was discussed at the SWAP meeting earlier that day and thanked SJW for her hard work. She advised that there is a lot of opportunity that Bellingham can benefit from.

Pine Hollows Estates, off of Countryside Road (between Bellwood and Brooks Estates) Special Permit for Multi Family Development and Development Plan Review, Continued Public Hearing

Rob Poxon from Guerriere and Halnon and Robert Corey, the owner, were present.

Mr. Poxon advised that they were requested by this Board for the task of a secondary egress and had a traffic study submitted to the Board and the engineer. Mr. Poxon advised that he was asked by the Fire Dept for this sprinkler system to be updated to current code and also to address the secondary easement onto South Main Street.

Mr. Poxon advised that they had a conversation with Natural Heritage who advised him that this area should be left untouched because of the endangered Salamander species. Mr. Poxon advised that they do not have access to any of the other entities to develop their properties nor the right to do so.

Mr. Poxon advised that he submitted a notice of intent with the Con Com on February 11, 2011 but he stated that it was not complete because it was not filed correctly under the Bellingham Bylaw. The Con Com said they would get something together for him, but after following up with them, he claimed that they had no information for him.

Mr. Poxon advised that he was able to get the forms and he was ready to submit, however the hydrologist was not clear on submitting their Stormwater. He advised that the info was sent to him and he has contacted by the Con Com and no one knows what they are looking for. Mr. Poxon advised that the EPA is ready to address the phosphorus issue and they are recharging up to a 25 year storm. Mr. Poxon advised he has no wetland disturbance and is not concerned with that. He claims that he has not been heard by the Con Com yet.

PMM questioned the second access letter dated February 18th 2011; PMM wants to know what they have looked at for a second access. Mr. Poxon advised that they do not have the ability to use someone else's property to make the secondary access. The only other properties that have connections are the property owned by Bellwood and Brook's Estates. PMB asked if they had spoken with them. Mr. Poxon advised that when this project was originally submitted there was a road included but that land has since been given to the Con Com. The other access he showed on a map could be an emergency vehicle access but it will not help the residents.

PMB asked again if there have been any talks with the other property owners about creating the access. PMB wanted to know if they have been proactive about finding another way, Mr. Poxon advised that the owners of the condo trust of Bellwood do not want it. Douglas Aricko, representing Bellwood Condominiums, (there was some

discussion between the Board regarding the endangered Salamander habitat and where it was located).

RO read allowed from a referenced letter, he advised that he has seen other species having to be relocated at other projects and it can be worked out, he suggested both options are further looked into. RO believes it is a circumstance of emergency. Mr. Poxon claimed that because of one circumstance everyone is requesting a second access road; Mr. Poxon does not see how it qualifies as an emergency situation. Mr. Poxon does not think it is fair that he is being asked of him to build over 1,000 ft of roadway.

PMB stated that she takes offense to the fact that their concern is they are unable to make as much money on every area available. PMB advised that the Board wants a second egress and advised Mr. Poxon to find a way. PP asked where the initial issue was and where the restriction comes in because Brook Estates only has one egress and how is it restricting it any more.

PMB asked Brian Sutherland what the issue was, Mr. Sutherland explained that someone was found making a bomb on the premises and the fire dept and residents of Bellwood and Brook could not get in or out for a long period of time. PP advised that the issue is in the way that the two condos where developed. PP does not see how this development could change that, his opinion is that it was as faulty design, they together should fund the access road and share the burden of the cost. PMB disagreed, she wants them to take responsibility and fix the problem. GCW advised that they are asking them to relieve the traffic that they are proposing; PP advised that the issue was not traffic and there should be another access road, he believes it will not change the problem. PP believes that the whole burden should not fall on this development. GCW wants them to account for the additional traffic and safety issues that this project will create which is why they are being asked to mitigate this project. PP thinks that whether or not this project happens he feels that the people at Bellwood and Brook Estates should be held accountable and fixes it too.

Mr. Aricko showed the Board on the map where the bottle neck is. PMB wants a full access not just for emergency. Mr. Aricko asked if they are looking for a public way or private way, PMM showed where the access road should be. PP asked if there were ever discussion on going over St. Blaise, PMM just wants a good alternative. Mr. Poxon advised that his impression that the Board was looking for was for emergency access not a full access. PMB advised that the Board is looking for a full secondary egress not for emergency. PMB wants to find a way to make that happen, if they want to build this project, they need to find a way.

RO asked Mr. Corey if Bellwood was built 1st then Brook was built. Mr. Poxon advised that Mr. Corey was not involved in the Bellwood and Brook condo development. RO asked if this lot was not a part of the 1st developments. Mr. Sutherland advised that he was not on the Board when Brook Estates were constructed, but knows the history. He advised that he was on the Board when Countryside Road and the 81P went through. As far as he can see, this was what was tied to the allowance to build this development.

Mr. Sutherland claimed that if this developer were working in conjunction with Brook Estates to the get the 81P, they would have the ability to configure the land because it is not all conservation land. Mr. Sutherland advised that he is upset that this project has

even been allowed to be continued without the configuration of the secondary access. He wants them to withdraw and configure this project when they have what the Board is looking for. Mr. Sutherland advised that this project should not be approved without another egress.

Mr. Talerman advised that the policy is a well understood with them asking for the access road under generalized criteria. Mr. Talerman thinks that Brookside happened and it cannot be undone. This is a special permit which allows the Board the tools it needs to be able to request that a second road and if it is not the Board is within its right to say no. He suggests having the second egress, it needs to be provided. Mr. Talerman is not sure how they get there from here.

PP asked Mr. Sutherland about the Brook Estates access and the setup. Mr. Sutherland advised that Saddleback Rd. was connected to this project in the earlier plans. He advised that we have learned that it can be critical and if there is a problem they can get out. PP believes there should be a way to let other people out. Mr. Aricko advised that he will go back to his Board.

Mr. Corey advised that he is not here to put money in his pocket and was offended by PMB's earlier comment. Mr. Sutherland asked about the whole lack of communication with the Con Com and his concern is how long it will take to go through the Con Com process, it could take months. Mr. Poxon advised that he has filed with the Con Com, PP thinks we are at the point for them to move forward when the Con Com is done and the egress is all Con Com related. Jay Talerman advised in fairness to the applicant it states that it is heard one Board before the other. To expect them to be done with them is too much to ask for. PP advised that he wants them further along than just having filed. PMM advised that secondly they might have to get together with Brook and Bellwood then come back in 2-3 months when everything is put together. PMM is looking at 2-3 months down the road after it is all hashed out.

GCW: Motion to continue the Pine Hollows Estates, off of Countryside Road (between Bellwood and Brooks Estates) Special Permit for Multi Family Development and Development Plan Review public hearing until July 14, 2011 at 7:00pm.

PMM: Second.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

GCW: Motion to extend the decision deadline of Pine Hollows Estates, off of Countryside Road (between Bellwood and Brooks Estates) Special Permit for Multi Family Development and Development Plan Review until August 15, 2011.

PMM: Second.

Mr. Talerman advised the Board to amend motion to include the Special Permit as it has 90 day expiration.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

DB: Motion to sign the minutes

PMM: Second.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

DB: Motion to sign the vouchers.

PMM: Second.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

Section 2140 Lots split by Town line

PP asked what aspect the Town has jurisdiction on. Mr. Talerman advised the bylaw was setup for the Town to be host of the structure and It did not include if the structure was not on Town property. Mr. Talerman advised that it is different because we are also on a state line too. He advised that If any part of the lot is in Bellingham then you have to comply with everything in Bellingham all set backs need to be met.

Mr. Talerman advised it has to be taken into consideration especially if it something that effects the safety and welfare in Bellingham then we need to have jurisdiction. RO asked that the noise factor be kept in mind and gave an example of a batting cage he was involved with and that you have to be careful of who controls the noise.

GCW had concerns with water runoff and thinks we just need to be careful. Mr. Talerman thinks we should table this one for a while and continue discussion for another time.

PMM: Motion to pass over article #23 at the May Town meeting.

DB: Second.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

Street Acceptances Discussion – Toni Drive, Jamie Drive, Sydney Lane

PMB advised it needs to be brought up again, SJW advised last year someone was supposed to read the motion at Town Meeting and it got overlooked.

GCW: Motion to recommend the Street Acceptance for Toni Drive, Jamie Drive and Sydney Lane.

DB: Second.

Vote: 5-0 Approved. (PMB, GCW, DB, PMM and PP)

PP advised that the Selectman appointed Roger Oakley retroactively to the Planning Board for the Associates Position. PP reminded that the Associate Position is appointed not elected.

MINUTES OF THE PLANNING BOARD

April 28, 2011

DB: Motion to adjourn.

GCW: Second.

Vote: 5-0 Approved (PMB, GCW, DB, PMM and PP).

Minutes Accepted on: 5-12-11
(Date)

Patricia M. Buckley
Patricia M. Buckley

Peter Pappas
Peter Pappas

Peter M. Morelli
Peter M. Morelli

Amy Sault
(Prepared by: Amy Sault)

Glenn C. Wojcik
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Dave Brown
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